

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2013

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HOUSE BILL 660

Short Title: Amend Funeral Procession Law.

(Public)

Sponsors: Representatives Alexander and Boles (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary Subcommittee A.

April 10, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW FUNERAL PROCESSIONS TO HAVE THE RIGHT-OF-WAY AT INTERSECTIONS REGARDLESS OF TRAFFIC CONTROL SIGNS OR SIGNALS; TO CLARIFY THE AMOUNT A PERSON MAY BE FINED FOR COMMITTING CERTAIN VIOLATIONS INVOLVING FUNERAL PROCESSIONS; AND TO PROVIDE IMMUNITY TO THE FUNERAL DIRECTOR OR FUNERAL ESTABLISHMENT FOR ANY DEATH, PERSONAL INJURY, OR PROPERTY DAMAGE CAUSED BY THE ACTION OR INACTION OF A PERSON OPERATING A VEHICLE IN A FUNERAL PROCESSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-157.1 reads as rewritten:

"§ 20-157.1. Funeral processions.

(a) ~~As used in this section, a~~ The following definitions apply in this section:

(1) Funeral director. – Defined in G.S. 90-210.20(g).

(2) Funeral establishment. – Defined in G.S. 90-210.20(h). For purposes of this section, this term includes funeral homes.

(3) ~~"funeral procession"~~ Funeral procession. – ~~means two~~ Two or more vehicles accompanying the remains of a deceased person, or traveling to the church, chapel, or other location at which the funeral services are to be held, in which the lead vehicle is either a State or local law enforcement vehicle, other vehicle designated by a law enforcement officer or the funeral director, or the lead vehicle displays a flashing amber or purple light, sign, pennant, flag, or other insignia furnished by a funeral ~~home~~ establishment indicating a funeral procession.

(b) Each vehicle in the funeral procession shall be operated with its headlights illuminated, if so equipped, and its hazard warning signal lamps illuminated, if so equipped.

(c) ~~The operator of the lead vehicle in a funeral procession shall comply with all traffic control signals, but when~~ When the lead vehicle in a funeral procession has lawfully progressed across an intersection in accordance with the traffic control sign or signal, or ~~when directed to do so by a law enforcement officer or a designee of a law enforcement officer or the funeral director, or when the lead vehicle is a law enforcement vehicle which progresses across the intersection while giving appropriate warning by light or siren, intersection, all vehicles in the funeral procession may proceed through the intersection without ~~stopping, except that the operator of each vehicle shall exercise reasonable care towards any other vehicle or pedestrian on the highway.~~ stopping. The operator of any vehicle in a funeral procession shall exercise~~



1 reasonable care toward any other vehicle or pedestrian on the highway when participating in a  
2 funeral procession. An operator of a vehicle that is not part of the funeral procession shall not  
3 join the funeral procession for the purpose of securing the right-of-way granted by this  
4 subsection.

5 (d) Operators of vehicles in a funeral procession shall drive on the right-hand side of the  
6 roadway and shall follow the vehicle ahead as closely as reasonable and prudent having due  
7 regard for speed and existing conditions.

8 ~~Operators of vehicles in a funeral procession shall yield the right-of-way~~ A funeral  
9 procession shall have the right-of-way at intersections regardless of traffic control signs or  
10 signals, except that the operator of any vehicle in a funeral procession shall (i) yield the  
11 right-of-way to law enforcement vehicles, fire protection vehicles, rescue vehicles, ambulances,  
12 and other emergency vehicles giving appropriate warning signals by light or siren and shall (ii)  
13 yield the right-of-way when directed to do so by a law enforcement officer.

14 (f) Operators of vehicles in a funeral procession shall proceed at the posted minimum  
15 speed, except that the operator of such vehicle shall exercise reasonable care having due regard  
16 for speed and existing conditions.

17 (g) The operator of a vehicle proceeding in the opposite direction as a funeral  
18 procession may yield to the funeral procession. If the operator chooses to yield to the  
19 procession, the operator must do so by reducing speed, or by stopping completely off the  
20 roadway when meeting the procession or while the procession passes, so that operators of other  
21 vehicles proceeding in the opposite direction of the procession can continue to travel without  
22 leaving their lane of traffic.

23 (h) The operator of a vehicle proceeding in the same direction as a funeral procession  
24 shall not pass or attempt to pass the funeral procession, except that the operator of such a  
25 vehicle may pass a funeral procession when the highway has been marked for two or more  
26 lanes of moving traffic in the same direction of the funeral procession.

27 (i) An operator of a vehicle shall not knowingly drive between vehicles in a funeral  
28 procession by crossing their path unless directed to do so by a person authorized to direct  
29 traffic. When a funeral procession is proceeding through a steady or strobe-beam stoplight  
30 emitting a red light as permitted by ~~subsection (e),~~ subsections (c) and (e) of this section, an  
31 operator of a vehicle that is not in the funeral procession shall not enter the intersection  
32 knowing a funeral procession is in progress, even if facing a steady or strobe-beam stoplight  
33 emitting a green light, unless the operator can do so safely without crossing the path of the  
34 funeral procession.

35 (j) Nothing in this section shall be construed to prevent State or local law enforcement  
36 officers from escorting funeral processions in law enforcement vehicles.

37 (k) A violation of this section shall not constitute negligence per se.

38 ~~To the extent that a local government unit's ordinance is in direct conflict with any~~  
39 ~~part of this statute, the ordinance shall control and prevail over the conflicting part.~~

40 (m) Any person who violates subsection (c), (h), or (i) of this section is guilty of an  
41 infraction punishable by a fine of not more than one hundred dollars (\$100.00). A violation of  
42 this section shall not be considered a moving violation for purposes of G.S. 58-36-65 or  
43 G.S. 58-36-75.

44 (n) A funeral director, funeral establishment, or any of their employees or agents shall  
45 not be liable for any death, personal injury, or property damage resulting from, caused by, or  
46 arising from any action or inaction of an operator of a vehicle in a funeral procession if (i) the  
47 funeral procession was operating in accordance with the provisions of this section or (ii) the  
48 funeral procession would have been operating in accordance with the provisions of this section  
49 but for a negligent act or omission in the operation of one or more vehicles in the funeral  
50 procession; provided that, this limited grant of immunity shall not apply if the death, personal  
51 injury, or property damage arose from a negligent act or omission in the operation of a vehicle

1 operated by the funeral director, funeral establishment, or any of their employees or agents. The  
2 operator of a vehicle in a funeral procession shall not be deemed to be an agent of the funeral  
3 director or funeral establishment unless such operator is either of the following:

4 (1) An employee of the funeral director or funeral establishment and acting in  
5 the course of his or her employment.

6 (2) An independent contractor retained by the funeral director or funeral  
7 establishment and performing services for the funeral director, funeral  
8 establishment, or funeral home."

9 **SECTION 2.** G.S. 20-156 is amended by adding a new subsection to read:

10 **"§ 20-156. Exceptions to the right-of-way rule.**

11 ...

12 (c) The driver of a vehicle shall yield the right-of-way to any vehicle that is part of a  
13 funeral procession operated in accordance with G.S. 20-157.1."

14 **SECTION 3.** This act is effective when it becomes law.